

Government of Andhra Pradesh

Abstract

Noise Pollution - - Noise Pollution (Regulation and Control) Rules, 2000 under Environment (Protection) Act, 1986 – Prescribing the Authorities for implementing the Rules - Orders – Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (ENV) DEPARTMENT

G.O.Ms.No. 172

Dated: 12-10-2010

Read the following:-

1. Govt. of India, Ministry of Environment and Forests
Notification No. S.O. 1046 (E), dated 22nd November 2000
2. G.O.Rt. No.227, EFS&T(ENV) Deptt., dated 11-07-2000.
3. From the M.S., APPCB., Lr. No.364/APPCB/LAB/JSO/2010-118,
dated 17-04-2010.

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ORDER :

In the reference 2nd read above orders have been issued prescribing the authority for (i) Zoning of Areas (ii) Implementing the Rules and (iii) Penalties to be levied on the defaulters under the Noise Pollution (Regulation & Control) Rules, 2000 under Environment (Protection) Act, 1986 issued by the Government of India.

2. The Noise Pollution (Regulation & Control) Rules, 2000 issued by the Government of India were further amended vide S.O. 50 (E), dated 11-01-2010. In view of the amendments made to the Noise Pollution (Regulation & Control) Rules, 2000, the Member Secretary, A.P. Pollution Control Board, Hyderabad has submitted proposals for issue of orders prescribing the authorities for implementing the said Rules.

3. Accordingly, after careful examination of the proposal and in supercession of the orders issued in reference 2nd above, the Government hereby issue the following orders prescribing the authority for (i) Zoning of areas, (ii) Implementing the Rules and (iii) Penalties to be levied on the defaulters: -

- i. **ZONING OF AREAS:** The Director of Town & Country Planning shall be the Authority to identify and notify the broad boundaries of Industrial Areas, Commercial Areas and Residential Areas as applicable in human habitations of the State. The priority shall be given to notify the zones, in all the Municipalities of the State including Municipal Corporations, but coming under the jurisdiction of Urban Development Authorities, shall be treated as Municipal areas, for the purpose of categorisation and implementation of Rules.

After the notification of the 3 categories of zones in all the Municipal areas of the State, the Silent zones will have to be identified and notified according to the Notification by the Town Planning Departments of respective Municipalities. The day-time and night-time standards of ambient noise levels will become effective for implementation after “Silent Zones” are notified. In the Silent zones, signboards shall be raised by the concerned Municipalities, mentioning in Telugu, Urdu, Hindi and English that “That is a Silent Zone”. The signboards shall also have No-Horn signs according to the Motor Vehicles Act guidelines.

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The Ambient Air Quality Standards in respect of Noise as per the Notification cited are as follows:

Area code	Category of Area / Zone	Limits in dB(A) Leq*	
		Day time	Night time
(A)	Industrial area	75	70
(B)	Commercial area	65	55
(C)	Residential area	55	45
(D)	Silence zone	50	40

Note:-

1. Day time shall mean from 6.00 a.m. to 10.00 p.m.
2. Night time shall mean from 10.00 p.m. to 6.00 a.m.
3. Silence zone is defined as an area comprising not less than 100 meters around hospitals, educational institutions and courts. The silence zones are zones, which are declared as such by the competent authority, i.e. Town Planning Department
4. Mixed categories of areas may be declared as one of the four above mentioned categories by the competent authority.

- ii) **PRESCRIBED AUTHORITY FOR IMPLEMENTATION:** The Commissioner of Police in the Municipal Corporations area shall be the Prescribed Authority to implement ambient air quality standards and Rules in respect of noise in the Municipal Corporation areas and similarly, the Superintendent of Police of districts shall be the Prescribed Authorities to implement these standards and Rules, within their jurisdiction. These Authorities shall have the power to further sub-delegate the authority to facilitate effective implementation.

The Road Transport Authority shall ensure that no vehicle shall receive fresh registration or renewal of registration or license for driving such vehicle unless the horn fitted in the vehicles meets the prescribed standard, the engine silencers are as per specified norms and good condition, and the overall condition of the vehicle body and suspension system is in good order, so as not to rattle and cause noise beyond permissible limits. The RTA shall also check that no multi-tone horns and accessories for audio alarms / indications producing noise beyond permissible limits, are in use. It is also to be ensured that audio systems within the vehicle operate at maximum – 75 dB(A) at 2 meter distance from the vehicle.

- iii) **LEVY OF PENALTIES:** The Penalties will be, in accordance with the provisions laid down in Police Act, Cr.P.C. and Motor Vehicles Act, in addition to the provisions in Section 15 of Environment (Protection) Act, 1986. Accordingly, for vehicular defaulters, the Section 190(2) of Motor Vehicles Act, 1988 is used to fine the first offence at Rs.1,000/- and subsequent offences at Rs.2,000/- per offence. For the subsequent offences, the vehicle mounted audio system and accessories shall be removed and confiscated in addition to other penalties.

The other defaulters shall be fined Rs.2,000/- in the first offence and Rs.4,000/- per offence shall be fined on subsequent offences as the source of noise pollution is generally stationary in one place and cause constant emission of noise resulting. In accumulative damage to the human nervous system causing blood pressures, etc. Under Section 15 of Environment (Protection) Act, 1986 a proven offender can be punished with imprisonment for a term which may extend to five years with fine, which may extend to one lakh rupees or with both, and in case the contravention continues, with additional fine, which may extend to five thousand rupees for every day during which, such contravention continues after the conviction for the first such failure or

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contravention. Under the same Rules, if the failure or contravention continues beyond a period of one year and after the date of conviction, the offender shall be punishable with imprisonment for a term, which may extend to seven years.

4. RESTRICTIONS

- a) Public Place has been defined and the occupant of public place has to restrict the volume of public address system etc., so that the noise emitting from its activity would not exceed the noise limit more than 10 dB(A) of the prescribed standard.
- b) Similarly, the occupant of private place has to restrict the volume of the music system etc., so that the noise emitting from its activity would not exceed the noise limit by more than 5 dB(A) of the prescribed standard.
- c) Stress has been laid on making the night peaceful. The “night time” has been defined (10.00 p.m. to 06.00 a.m.) and restrictions have been imposed on use of horns, sound emitting, construction equipments and bursting of fire crackers in the night time.
- d) A loud speaker or a public address system shall not be used except after obtaining written permission from the authority
- e) A loud speaker or a public address system or any sound producing instrument or a musical instrument or sound amplifier shall not be used at night (between 10.00 p.m. to 06.00 a.m.) except in closed premises for communication within, like auditoria, conference rooms, community halls and banquet halls or during a public emergency .
- f) In Silent zones, the following are not permitted
 - (i) Playing any music or using any sound amplifiers
 - (ii) Beating of drum or tom – tom or blowing on either a musical or pressure or trumpet or beats or sounds of any instrument
 - (iii) Exhibition of any mimetic musical or other performance of nature to attract crowds
 - (iv) Bursting of sound emitting fire crackers or
 - (v) Using of loud speaker or public address system

5. ENFORCEMENT:

- a) The noise levels in any area / zone shall not exceed the ambient air quality standard in respect of noise as specified in the schedule.
- b) The audio systems of vehicles shall not be heard more than 7 meters away from the vehicles
- c) The authority shall be responsible for the enforcement of noise pollution, control measures and due compliance of the ambient air quality standards in respect of noise.

6. COMPLAINTS:

- a) A person may, if the noise level exceeds the ambient noise standards by 10 dB(A) or more given in the corresponding columns against any area / zone, make a complaint to the Authority.

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- b) The Authority shall act on the complaint and take action against the violator, in accordance with the provisions of these rules and any other Law in force.

7. POWER TO PROHIBIT:

If the Authority is satisfied from the report of an Officer in charge of a Police Station or other information received by him that it is necessary to do so in order to prevent annoyance, disturbance, discomfort, injury or risk of annoyance, disturbance, discomfort or injury to the public or to any person, which dwell or occupy property in the vicinity, he may, by a written order issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating.

- a) The incidence or continuance in or upon any premises of

- I any vocal or instrumental music
- II sounds caused by playing, beating, clashing, blowing or use in any manner, whatsoever of any instrument including loud speakers public address systems, horn, construction equipment, appliance or apparatus or contrivance which is capable of producing or reproducing sound, or
- III sound caused by bursting of sound emitting fire crackers or

- b) The carrying on in or upon, any premises of any trade, avocation, operation or process resulting in or attended with noise;

8. The local Municipal and Gram Panchayat Authorities shall ensure to take necessary measures to cause wide publicity of the impacts of noise on health of human beings and penalty provisions of these Rules, through cinema exhibit slides, electronic media etc.
9. The Andhra Pradesh Pollution Control Board shall take legal action against Cinema Halls, who continuously exceed 85 dB(A) inside the theaters during the cinema shows. In this regard, the Regional Officers of APPCB shall make random monitoring of noise levels inside the cinema halls and based on the results, legal hearing shall be conducted by Zonal Officers of APPCB against defaulting cinema exhibitors under Section 15 of the Environment (Protection) Act, 1986.
10. In case of Electrical Generators used for domestic / industrial purposes the owners shall be given directions by local Municipal Authorities that the exhaust of the Generator set be installed in sound proof enclosed room and exhaust of the generator should be water muffled, especially in the Silent Zones and Residential Zones.
11. These orders shall come into force with immediate effect.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

JANAKI R. KONDAPI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Principal Secretary, HMA&UD Department
The Principal Secretary, Transport & Buildings Deptt.
Director General of Police for circulation to
all Commissioners of Police and Superintendent of Police
The Member Secretary, APPCB, Hyderabad
The Commissioner, Road Transport Authority

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Director, Town & Country Planning.
Commissioner & Director of Municipal Administration, A.P., Hyd.
All the District Collectors.

Cc to: The Vice – Chairman & Managing Director, HMDA,
Cc to: The Managing Director, APSRTC

// FORWARDED : : BY ORDER //

SECTION OFFICER.